

JAP:TJS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M10-1513

- - - - -X

UNITED STATES OF AMERICA

- against -

HUSSAN R. ELMAKI,

Defendant.

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE DISTRICT
OF COLUMBIA

(Fed. R. Crim. P. 5(c))

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

SANDY RAO, being duly sworn, deposes and says that he is a Deputy United States Marshal with the United States Marshal Service ("USMS"), duly appointed according to law and acting as such.

Upon information and belief, on April 13, 2009, a bench warrant was issued by the Superior Court for the District of Columbia, commanding the arrest of the defendant HUSSAN R. ELMAKI for failure to appear.

The source of your deponent's information and the grounds for his belief are as follows:

1. On April 13, 2009, a bench warrant was issued by the Superior Court for the District of Columbia, commanding the arrest of the defendant HUSSAN R. ELMAKI, for failure to appear for a probation hearing in connection with his conviction for Possession with Intent to Distribute a Controlled Substance- Cocaine, in violation of Title 33, D.C. Code, Section 541(a)-

(b).¹ A copy of the warrant and judgment are attached hereto.

2. On December 26, 2010, United States Homeland Security Investigations ("HSI") agents located at John F. Kennedy International Airport ("JFK") contacted the USMS to advise that HUSSAN R. ELMAKI had arrived at JFK on that day aboard a flight originating internationally and that he had been detained pursuant to a United States Marshals Service warrant. HSI agents indicated that upon presenting himself to a Customs and Border Protection Officer, ELMAKI stated, in sum and substance, that he had an outstanding warrant and intended to turn himself in.

3. On December 27, 2010, I and other Deputies traveled to JFK to take custody of ELMAKI. After taking custody of ELMAKI, I asked for his pedigree information, which he provided and which matched the pedigree information for the HUSSAN R. ELMAKI wanted in the District of Columbia. In addition, he indicated, in sum and substance, that he was wanted in the District of Columbia and had intended to turn himself in.

^{1/} The bench warrant incorrectly indicates the charges as Possession with Intent to Distribute Marijuana.

WHEREFORE, it is requested that the defendant HUSSAN R. ELMAKI be removed to the District of Columbia so that he may be dealt with according to law.



SANDY RAO
Deputy United States Marshal
United States Marshal Service

Sworn to before me this
28th day of December, 2010

-
E



**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION**

UNITED STATES OF AMERICA

CRIMINAL NO. 2005 FEL 005018

vs.

ISSUED BY: ROBERT R RIGSBY

HUSSAN R ELMAKI

BENCH WARRANT

May be served at any place within the jurisdiction of the United States

Unless Specified Otherwise Below

TO: The United States Marshal for the Superior Court of America or any other authorized federal officer or the Chief of Police for the District of Columbia.

GREETINGS; YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before this Court or other Court enumerated in 18 U.S.C. 3041 to answer to the charge(s) listed below.
() YOU ARE FURTHER COMMANDED to execute this warrant FORTHWITH.

BASIS FOR WARRANT AND DESCRIPTION OF CHARGES:

Poss W/I to Dist a Controlled Substance Marijuana

Failed to Appear for Probation Showcause Hearing in Courtroom 220

This Warrant is issued extraterritorially pursuant to D.C. Code § 23-1329(d) (1996)

SPECIAL TERRITORIAL LIMITS ON EXECUTION OF WARRANT-THIS SECTION VALID ONLY IF COMPLETED

Extraterritorial Service of this Warrant is limited to:

WITNESS, the Honorable Chief Judge of the Superior Court of the District of Columbia under the seal of said Court on this date 4/13/2009

BAIL FIXED BY THE COURT

AT: No Bond

Superior Court of the District of Columbia

BY:

Judge/Magistrate Judge

Date Received:

Return: This warrant was received and executed with the arrest of the above named person.

Date Executed:

Signature of Arresting Officer

A TRUE COPY

EST 12/27/2010
Clerk, Superior Court of
District of Columbia

V. Fulle
Deputy Clerk



cd/bw

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SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

United States of America
V.

JUDGMENT IN A CRIMINAL CASE

HUSSAN ELMAKI

Case Number: 2005 FEL 5018

PDID No. 506610

THE DEFENDANT:

☒ ENTERED A PLEA OF GUILTY TO COUNT (S) 2

☐ WAS FOUND GUILTY ON COUNT (S) _____
AFTER A PLEA OF NOT GUILTY.

<u>Count</u>	<u>Nature of Charges</u>	<u>Title & Section</u>	<u>Date of Offense</u>
Count 2	Possession w/i to Distribute Cocaine	33-541(a)-(b)	8/30/05

Amended
SENTENCE OF THE COURT

AS TO COUNT 2: Defendant is to be released to Halfway Back Only

☐ The defendant is hereby committed to the custody of the Attorney General to be imprisoned for a total term of: _____
☐ MANDATORY MINIMUM term of _____ applies.

☐ Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

☐ The Court makes the following recommendations to the Bureau of Prisons:

☐ The Defendant is also ordered placed on probation - See page 2 of this order for conditions of probation

Costs in the aggregate amount of \$ _____ have been assessed under the Victims of Violent Crime Compensation Act of 1996, and ☐ have ☐ have not been paid.

10/17/08

Date

Judge

Judge Robert R. Rigsby

Name and Title of Judicial Officer

Certification by Clerk pursuant to Criminal Rule 32(d)

10/17/08

Date

Jarina Williams-Darby

Deputy Clerk



A TRUE COPY
TEST: 4-7-09

Clerk Superior Court of the
District of Columbia
[Signature]
Deputy Clerk

Case: 2005 FEL 005418



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